

KURT A. KAPPES – SBN 146384
MICHAEL D. LANE – SBN 239517
GREENBERG TRAURIG, LLP
1201 K Street, Suite 1100
Sacramento, CA 95814-3938
Telephone: (916) 442-1111
Facsimile: (916) 448-1709
kappesk@gtlaw.com
lanemd@gtlaw.com

Attorneys for Defendant,
JELLY BELLY CANDY COMPANY

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DAVID KLEIN,

Plaintiff,

v.

JELLY BELLY CANDY COMPANY,

Defendant.

Civil Action No. 2:23-cv-00035-DAD-JDP

**DEFENDANT JELLY BELLY CANDY
COMPANY'S NOTICE OF APPLICATION
FOR ATTORNEYS' FEES AND COSTS
PURSUANT TO RULE 41(D)**

[Filed Concurrently with (1) Memorandum of
Points and Authorities; (2) the Declaration of
Eric D. Wong and (3) [Proposed] Order and
Judgment]

Date: May 2, 2023

Time: 1:30 p.m.

Courtroom: 4, 15th floor

Trial Date: None Set

**TO THE COURT, ALL PARTIES, AND COUNSEL OF RECORD: PLEASE
TAKE NOTICE** that on May 2, 2023, at 1:30 p.m., or as soon thereafter as the matter
may be heard before the Honorable Dale A. Drozd, via zoom, in Courtroom 4, 501 I
Street, Sacramento, California, Defendant Jelly Belly Candy Company (“Jelly Belly”) will
and hereby does submit this Application for Attorneys’ Fees and Costs.

1 This Application is made pursuant to the Court's March 7, 2023 Order (ECF 43)
2 granting Jelly Belly's motion for fees and costs under Federal Rule of Civil Procedure
3 41(d). Jelly Belly respectfully requests an award of reasonable attorneys' fees and costs in
4 the amount of \$152,294.55.

5 This Application is based on this Notice, the concurrently filed Memorandum of
6 Points and Authorities, the Declaration of Eric D. Wong, and the exhibits thereto, all matters
7 upon which judicial notice may be taken, the complete files and records in this action, and
8 any argument the Court may permit.

9
10 DATED: March 14, 2023

GREENBERG TRAURIG, LLP

11 By: /s/Michael D. Lane

12 Kurt A Kappes

Michael D. Lane

13 *Attorneys for Defendant*

14 Jelly Belly Candy Company
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